

REMARKS

I. INTRODUCTION

In response to the Final Office Action dated June 15, 2005, please consider the following remarks.

II. STATUS OF CLAIMS

Claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47, and 49 are pending in the application.

Claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47, and 49 were rejected under 35 U.S.C. §102(e) as being obvious in view of U.S. Patent No. 6,401,242 to Eyer et al..

III. ISSUES PRESENTED FOR REVIEW

Whether claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47, and 49 are patentable under 35 U.S.C. § 102(e) over U.S. Patent No. 6,401,242, issued to Eyer et al. (hereinafter, the Eyer reference).

IV. GROUPING OF CLAIMS

The rejected claims do not stand or fall together. Each claim is independently patentable. Separate arguments for the patentability of each claim are provided below.

V. ARGUMENTS

A. The Eyer Reference

U.S. Patent No. 6,401,242, issued June 4, 2002, to Eyer et al. discloses an Interactive Program Guide (IPG) data for television is delivered to integrated receiver-decoders (IRDs) in a decoder population via, for example, a satellite network. The IPG data provides scheduling information for global and local programming services which are carried via the satellite network as well as another network such as a CATV network or a terrestrial broadcast network. Each IRD is assigned to an IPG region using unit addressing. At the IRD, IPG data is filtered so that only the global data and the region-specific data for the IRD's IPG region is retained and processed by the IRD. Channel map data is also delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. The IRD data which is retained after filtering is used to provide scheduling information via an on-screen

display. A preferred source may be designated when there are duplicative channels on the different networks.

B. Claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47, and 49 are Patentable over the Eyer Reference

1. Independent Claim 1 is Patentable

Claim 1 recites:

In a broadcasting system having a first service network broadcasting a first signal having a first set of program material and first program guide information describing at least a portion of said first set of program material, and a second service network broadcasting a second signal having a second set of program material and second program guide information describing at least a portion of said second set of program material, wherein the first broadcast signal and the second broadcast signal each include service channels uniquely described by a service channel identifier, a method of providing at least a portion of the second program guide information to a receiving station receiving the first signal, comprising the steps of:

mapping at least a portion of the first program guide information to a first service channel of the first broadcast signal;

mapping at least a portion of the second program guide information to a second service channel of the first broadcast signal, wherein the second service channel is logically offset from the first service channel; and transmitting the first signal to the receiving station;

wherein the second program guide information includes data identifying the service network transmitting the second program guide information and wherein the first program guide information and the second program guide information is merged according to a comparison between the data and a receiver station configuration value.

a) The Eyer Reference Does Not Disclose a Second Program Guide Having Information Including Data Identifying the Service Network Transmitting the Second Program Guide Information

(1) The Rationale of the First Office Action, and the Applicants' Response

Claim 1 recites "*wherein the second program guide information includes data identifying the service network transmitting the second program guide information*". The First Office Action argued that this was disclosed in several places in the Eyer reference.

First:

...where the Local-IPG data includes station names or IDs, such as, ABC, NBC, CBS, CNN, Disney channel, etc., (fig. 2, col. 5, lines 60-67, col. 7, lines 36-45, and col. 9, lines 35-39) "data identifying the service network" transmitting the Local-IPG data and the Global-IPG data and the Local-IPG data is merged according to a comparison between the data and the IRD configuration value such as an address, identification number, geographical location, etc. associated with the IRD (col. 8, lines 57-67 and col. 10, lines 10-38).

The Applicants responded by pointing out that the station names or IDs referred to (ABC, NBC, CBS, etc.) do not identify the service network transmitting the second program guide information. Instead, they are *source* identifiers that indicate origin of the source material.

Second:

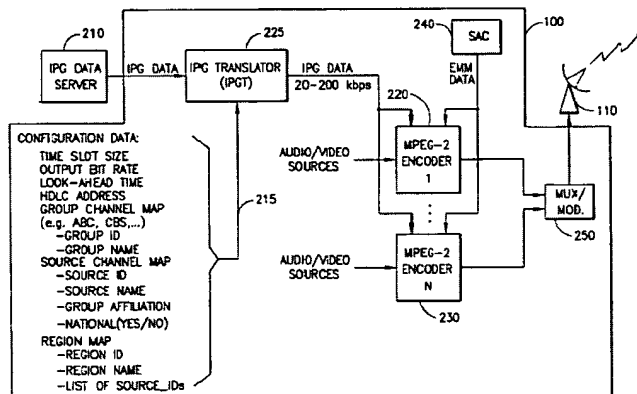


FIG.2

The Applicants responded that FIG. 2 simply refers to a "source" identifier and name. The source identifier (e.g. ABC, NBC), however, does not *identify the service network transmitting the second program guide information* as claim 1 recites, but rather, identifies the source of the underlying program material. This is made clear in the Eyer reference as follows:

In a second type of filtering, at each decoder, the IPG data may be filtered according to channel map data to enable each decoder to recover IPG data corresponding to channels accessible to that decoder while ignoring IPG data corresponding to channels not accessible to that decoder. Channel map data provides a correspondence between the programming services and a channel identifier which is displayed to the user, such as a channel number, "source identifier" which identifies the programming service provider and/or station identifier (e.g., ABC, NBC). The channel map data may be in the form of a lookup table which associates carrier frequencies of the programming services with the corresponding identifier. For digital services, the channel map also indicates which programming service within the digital multiplex is to be associated with that channel. For example, an IRD may filter IPG data for a global programming service which is not transmitted

or otherwise not available to the IRD, for example, due to operator preference or limited channel capacity in the cable network. (col. 4, lines 38-56)

Third, the First Office Action also argued that the following discloses features of claim 8 (now presented in claim 1):

The IPG data provides program title, program description, and scheduling information for global (e.g., non-region-specific) programming, such as network programs (e.g., ABC, NBC, CBS, FOX) and other global satellite offerings (e.g., The Disney Channel, Nickelodeon, etc.) as well as scheduling information for region-specific programming, such as local news programs by independent stations or local network affiliates, and local access programs. (col. 5, lines 60-67)

The Applicants respectfully disagreed ... the foregoing passage does not teach second program guide information identifying the service network transmitting the second program guide information.

Fourth, the Office Action also argued that the following discloses features of claim 8 (now presented in claim 1):

For example, a "preferred source" data bit which is delivered to the IRDs can indicate which cable channels are preferred sources with a "1", while non-preferred cable channels are designated with a "0". Thus, if the duplicative channel "CNN" is received via both the satellite network and the CATV network, and the CATV channel is designated as a preferred source, the CATV channel will be displayed when selected by the user in lieu of the satellite channel. The "CNN" service carried on satellite will not be accessible by the user, even though it is available to the IRD's tuner/demodulator. (col. 7, lines 36-45)

The Applicants again respectfully disagreed. The foregoing describes how the Eyer system handles duplication of channels ... it does not disclose second program guide information identifying the service network transmitting the second program guide information.

Fifth, and finally, the Office Action also relied on the following passage:

Specifically, the channel map provides a table which correlates three items, namely a user channel number (e.g., channel 10 for ABC), a physical location the received data stream, such as a PID, and a source identifier which is associated with each programming service. (col. 9, lines 35-39)

But again, the "source identifier" indicates the source of the underlying program material, not the service network transmitting second program guide information.

(2) The Rationale of the Final Rejection

The Final Office Action disagreed as follows:

“If for instan[ce], ABS or NBC is within a global EPG, ABC or NBC include source identifi[ers], such as channel 7 for ABC and channel 4 for NBC, which indicates the source of the program materials being received and furthermore, ABC and NBC also identifies the service network where the programs are being received. In the same token if CBS is the second EPG or regional EPG received at the receiving station, CBS and it’s [sp] channel number, identifies the source of the receiving program and also the service network, such as ABC is within the global and regional EPGs ...”

The Applicants address these statements each in turn:

Final Office Action: “If for instan[ce], ABS or NBC is within a global EPG, ABC or NBC include source identifi[ers], such as channel 7 for ABC and channel 4 for NBC, which indicates the source of the program materials being received”

The Applicants’ Response: “Channel 7” is not a source identifier. “ABC” is a source identifier. Channel 7 is simply an arbitrary number assigned to that source. Certainly, in a broadcast television context, it is well known that material from one source (e.g. ABC) may be found on different channels, depending upon where it is received.

Final Office Action: “furthermore, ABC and NBC also identifies the service network where the programs are being received”

The Applicants’ Response: This argument is erroneous for a number of reasons. First, “ABC” and “NBC” do not identify a service network transmitting a program guide, they identify the *source* of the program material. The Final Office Action attempts to finesse this problem by asserting that “Channel 7” is the source identifier, but as described above, that argument misses the mark. Second, claim 1 recites that the *second program guide information includes data identifying the service network transmitting the second program guide information*. ABC and NBC cannot be said to identify a “service network” because (1) they are source identifiers, and (2) they do not broadcast signals having a first set of program material and first program guide information describing at least a portion of said first set of program material over service channels uniquely described by a service channel identifier. Third, claim 1 recites that the data identifies the service network transmitting the second program guide information. The Applicants do not understand how “where the programs are being received” is relevant.

Final Office Action: “In the same token if CBS is the second EPG or regional EPG received at the receiving station, CBS and it’s [sp] channel number, identifies the source of the receiving program and also the service network, such as ABC is within the global and regional EPGs ...”

Applicants’ Response: This statement is in error for the same reason the statements regarding ABC and NBC are in error.

b) Ito Does not Disclose a System Wherein the First Program Guide Information and the Second Program Guide Information is Merged According to a Comparison Between the Data and a Receiver Station Configuration Value

(1) The Rationale of the First Office Action

The First Office Action argued that the feature of merging the first program guide information and the second program guide information according to a comparison between the data and the receiver station value is disclosed as follows

Global-IPG data and the Local-IPG data is merged according to a comparison between the data and IRD 130 configuration value such as an address, identification number, geographical location, etc., associated with IRD 130.

and relied on the following portions of the Eyer reference:

Thus, the IPG data which is received by the microprocessor 170 provides scheduling information for the global programming services, and for region-specific programming services for the IPG region of the particular IRD. In accordance with the present invention, regional IPG data is multicast addressed to IRDs in different IPG regions to allow each IRD to recover only the IPG data for its region. This reduces the amount of IPG data that must be processed by microprocessor 170, thereby reducing memory and CPU requirements, while still providing the user with IPG information for all programming available to the user's IRD. (col. 8, lines 57-67)

FIG. 4 illustrates the transmission and reception of global and regional IPG data in accordance with the present invention. IPG data bundles which are broadcast, e.g., over a satellite network to a user's home, include global IPG data in a bundle 0, or B0 (400), described below in greater detail, as well as IPG data for a specific IPG region, e.g., region A, in an associated bundle 1 or B1 (405), IPG data for a region B in an associated bundle B1 (410), and IPG data for a region C in an associated bundle B1 (415). Regions A, B and C are different IPG regions which are served by a common satellite broadcast network.

Each IRD receives the same global and region-specific IPG data bundles. However, in accordance with the present invention, IRD data bundles are filtered out in hardware based on multicast addresses so a specific IRD only needs to store and process IPG data for its region, along with the global IPG data. For example, the received bundles after filtering for an IRD in region A include only B0 (400) and B1 (405), the received bundles after filtering for an IRD in region B include only B0 (400) and B1 (410), and the received bundles after filtering for an IRD in region C include only B0 (400) and B1 (415).

Bundles allow an IRD to distinguish between two different IPG data blocks that are the same type of data (titles/schedules, for example) for the same time slot. Without the bundle numbers, the IRD can not distinguish between two data blocks of the same type and time slot, and would want to discard one as a duplicate. (col. 10, lines 10-38)

The First Office Action argued that the “source name” or “source identifier” described above was the “data identifying the service network transmitting the second program guide information.” Assuming *arguendo* that this is true (and for the reasons described above, it is not), that would require that first program guide information and second program guide information is merged according to a comparison between the “source name” or “source identifier” and a receiver configuration value. Plainly, this is not true. For example, the Eyer reference indicates that the “source name” would be, for example “ABC”. It would make no sense whatsoever to merge a program guide from one source and another source according to “ABC”. The reason for this nonsensical result is that the “source identifier” described in Eyer is not analogous to the “program guide information identifying the service network transmitting the second program guide information”.

(2) The Rationale of the Final Rejection

The Final Office Action indicates “Furthermore, in situation where the service network, such as ABC is within the global and regional EPGs, Eyer uses duplicates to eliminate one from the other.”

The Applicants disagree because “ABC” does not describe a service network, but is instead a source identifier, and because Ito does not disclose what claim 1 recites ... that *the first and second program guide information is merged according to a comparison between the data (identifying the service network) and a receiver station configuration value*. At best, Ito may merge data according to a source identifier (which makes sense in the context of Ito), but it does not merge data according to the data identifying the service network. Further, Ito discloses nothing about merging based upon the data identifying the service network *and* the receiver station configuration value.

2. Independent Claims 9, 17, 25, 33, 41, and 49 are Patentable

Independent claims 9, 17, 25, 33, 41, and 49 recite features analogous to those of claim 1 and are patentable for the same reasons.

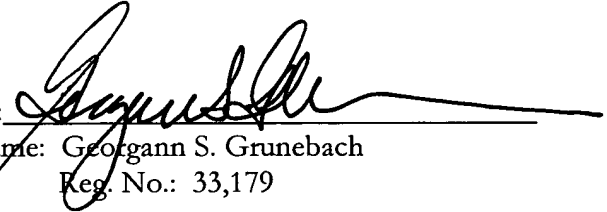
3. Dependent Claims 2-7, 10-15, 18-23, 26-31, 34-39, and 42-47 are Patentable Over the Ito Reference.

Dependent claims 2-8, 10-16, 18-24, 26-32, 34-40, and 42-48 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references.

VI. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

By: 
Name: Georgann S. Grunebach
Reg. No.: 33,179

Date: September 12, 2005
The DIRECTV Group, Inc.
RE/R11/A109
2250 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245

Telephone No. (310) 964-4615